

U.S.S.N.: 10/719,644

8

BRINE 0110 PUS.

REMARKS

The Examiner rejected claims 8, 14, 16, and 19 under 35 U.S.C. §112 as indefinite. The Examiner also rejected claims 1-17 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Hoult (3,702,702). Additionally, the Examiner rejected claims 1-13 and 17-23 under 35 U.S.C. §102(b) by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Collinson (6,213,901). Further, the Examiner rejected claims 1-27 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Morrow (6,066,056). Moreover, the Examiner rejected claims 1-13 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over LeMire (20020107094). Finally, the Examiner rejected claims 14-17 and 20-27 under 35 U.S.C. §103(a) as obvious over LeMire as applied to claim 1 above, and further in view of Kohler et al (6,916,259).

The Applicants individually address each of the objections and rejections of record below.

The Section 112 Claim Rejections:

The Examiner rejected claims 8, 14, 16, and 19 under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicants regard as the invention. The Applicants respectfully disagree with the section 112 rejections and request that the Examiner consider the following clarification.

With regard to claim 8, the Examiner contended that the term "range of pitch angles" is vague and indefinite. The Applicants have clarified claim 8 to recite that the upper and lower arms cooperate to simultaneously support a lacrosse ball over a range of pitch angles, with the pitch axis and thus pitch angles being clearly defined in the specification.

U.S.S.N.: 10/719,644

9

BRINE 0110 PUS

With regard to claim 14, the Examiner contends that the term "grabbing a lacrosse ball" is vague and indefinite. The Applicants have clarified claim 14 above to recite that the projections are configured for grabbing a lacrosse ball from a surface such that the lacrosse ball is positioned between the projections and a pocket on the head. The Applicants submit that the term "grabbing" with respect to a lacrosse ball is clear and definite based on its standard definition of "seizing suddenly or quickly".

With regard to claim 16, the Examiner contends that the terms "substantially polygonal shapes", substantially oval shapes, and substantially semi-oval shapes are vague and indefinite. The Applicants have also clarified claim 16 to recite that a cross-sectional shape of the projections includes one or more of a polygonal shape, an oval shape, and/or a semi-oval shape.

With regard to claim 19, the Examiner contends that the term "a round rock" is vague and indefinite. The Applicants have clarified claim 19 to recite that the spherical object ranges in size from a golf ball to a softball.

The Applicants submit that these clarifications to claims 8, 14, 16, and 19 do not further limit these claims. Instead, it is submitted that these clarifications serve to more clearly define the scope of these claims. It is therefore submitted that the Examiner's section 112 rejections have been overcome.

The Section 102(b) and 103(a) Claim Rejections:

The Examiner rejected claims 1-17 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Hoult (3,702,702). The Examiner also rejected claims 1-13 and 17-23 under 35 U.S.C. §102(b) by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Collinson (6,213,901). Additionally, the Examiner rejected claims 1-27 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as

U.S.S.N.: 10/719,644

10

BRINE 0110 PUS

obvious over Morrow (6,066,056). Further, the Examiner rejected claims 1-13 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over LeMire (20020107094). Finally, the Examiner rejected claims 14-17 and 20-27 under 35 U.S.C. §103(a) as obvious over LeMire as applied to claim 1 above, and further in view of Kohler et al (6,916,259).

Claims 1 and 18:

Claims 1 and 18 recite two sidewalls extending outward from the two side surfaces of the throat and which are connected by the transverse wall, wherein at least one of the sidewalls and *an adjacent side surface of the throat* are sized, shaped, and positioned for stably rolling a ball along at least a portion of the length of the at least one of the sidewalls and *onto the adjacent side surface*. None of the cited references teach or suggest a side surface of the throat sized, shaped, or positioned for stably rolling a ball. As shown in Fig. 2 of Hoult, even if the sidewall 26 of Hoult could stably support a ball, a ball cannot be stably rolled on or onto the side surface of the throat 24. The throats illustrated in Collinson, Morrow and LeMire similarly cannot stably support a ball on their side surfaces. In Collinson, the upper and lower parts of the sidewall merge together prior to meeting with the throat. Thus, a ball cannot be stably rolled from the sidewall onto the throat. Both Morrow and LeMire illustrate throats having rounded side surfaces, which are incapable of stably holding or rolling a ball thereon. Accordingly, the Applicants respectfully submit that claims 1 and 18 are patentable over Hoult, Collinson, Morrow and LeMire, alone or in combination, and allowance of claims 1 and 18 is respectfully requested. Claims 2-17 and 19-23 depend respectively from claims 1 and 18 and are believed to be allowable at least by dependency for at least the reasons set forth above.

U.S.S.N.: 10/719,644

11

BRINE 0110 PUS

Claim 13:

Claim 13 recites a concave depression on the upper surface of the throat of a lacrosse head that is sized and shaped substantially similar to the size and the shape of at least a portion of a lacrosse ball for stably supporting a lacrosse ball therein. With regard to Hoult and claim 13, the Examiner contends that it would have been obvious to have selected any one of several equivalent roll angles (page 4 of the Office Action). However, it is submitted that the Examiner's assertion does not take into consideration the concave depression. Hoult does not teach or suggest a concave depression on the upper surface of the throat of a lacrosse head that is sized and shaped substantially similar to the size and the shape of at least a portion of a lacrosse ball for stably supporting a lacrosse ball therein.

With regard to Collinson and claim 13, the Examiner contends that Collinson discloses a concave shape in Figs. 1 and 2 thereof. Collinson describes a string configuration for the pocket of a lacrosse stick. Nowhere in the specification is there a description of the shape of the throat. A close examination of Fig. 1 indicates that the throat has an octagonal shape having a flat bar shape as its upper surface. The Applicants note that Fig. 2 is a rear or bottom view of a lacrosse head and thus the upper surface of the throat is not shown. Accordingly, Collinson does not teach or suggest a concave depression on an upper surface of the throat.

With regard to Morrow and claim 13, the Examiner contends that Morrow discloses a concave shape in Figs. 1 and 2. Fig. 3b shows a rear view of a lacrosse head. As seen in Fig. 3b, the throat has an octagonal shape and is solid across its upper surface. As shown in Figs. 1 and 2, Morrow discloses a bar shape 38 on the upper surface of the throat. In the side view of Fig. 2, the side surfaces of the

U.S.S.N.: 10/719,644

12

BRINE 0110 PUS

throat appear to have a concave shape. However, Fig. 1 illustrates that the concave shape is in fact a cutout in the throat. Even if the Examiner considers the cutout to be concave, Applicants submit that the bar 38 prevents the throat disclosed in Morrow from stably holding a lacrosse ball as recited in claim 13. Accordingly, Morrow does not teach or suggest a concave depression on an upper surface of the throat.

With regard to LeMire and claim 13, the Examiner contends that LeMire discloses a concave shape in Figs. 3B. Fig. 3B shows a rear view of a lacrosse head. As seen in Fig. 3B, the throat has an octagonal shape and is solid across its upper surface. The Applicants also refer the Examiner to the front view of Fig. 3A, wherein the upper surface of the throat is shown more clearly as being solid, without any concave depression. Accordingly, LeMire does not teach or suggest a concave depression on an upper surface of the throat.

Based on the above remarks, it is submitted that none of the references cited by the Examiner, alone or in combination, teach or suggest a concave depression on the upper surface of the throat of a lacrosse head that is sized and shaped substantially similar to the size and the shape of at least a portion of a lacrosse ball for stably supporting a lacrosse ball therein, as recited in the Applicants' claim 13. Accordingly, the Applicants submit that claim 13 is patentable in addition to its dependency on claim 1 and allowance of claim 13 is respectfully requested. In addition, new independent claim 28 is added to capture the allowable subject matter of claim 13 in independent form. Allowance of new independent claim 28 is respectfully requested.

U.S.S.N.: 10/719,644

13

BRINE 0110 PUS

Claim 24:

Claim 24 recites one or more projections extending downward from a lower edge of the transverse wall in a direction away from the upper edge, which are sized, shaped, and positioned for grabbing a lacrosse ball from a surface such that the lacrosse ball is positioned between the one or more projections and the pocket disposed on the head. With regard to Morrow, the Examiner refers to the rejection of claim 1. However, claim 1 does not recite the above limitation. Accordingly, the rejection of claim 1 does not suffice as a rejection of claim 24. A careful review of Morrow indicates no projections for grabbing that a lacrosse ball from a surface. Morrow shows ridges 54, which flank the apertures 34 on the lip 32 protect the lacings from abrasive contact with the ground (col. 3, lines 26-32). Morrow does not describe, nor are the ridges sized, shaped or positioned for, grabbing a lacrosse ball from a surface.

With regard to LeMire and Kohler, the Examiner refers to the rejection of claim 14, wherein the Examiner contends that Kohler describes the use of projections in Fig. 3. The Applicants note that Kohler provides no description of the tabs shown on the transverse wall of the lacrosse head in Fig. 3. However, Kohler does show similar tabs 117 in the prior art Fig. 1. As described by Kohler, the tabs serve as lacing points for the pocket of the lacrosse head. As such, the tabs cannot be used for grabbing a lacrosse ball from a surface such that the lacrosse ball is positioned between the tabs and the pocket of the lacrosse head, since the tabs form part of the pocket. Further, Kohler does not describe, nor are the tabs sized, shaped or positioned for, grabbing a lacrosse ball from a surface.

Based on the above remarks, none of the references cited by the Examiner, alone or in combination, teach or suggest one or more projections extending downward from a lower edge of the transverse wall in a direction away from the

U.S.S.N.: 10/719,644

14

BRINE 0110 PUS

upper edge, which are sized, shaped, and positioned for grabbing a lacrosse ball from a surface such that the lacrosse ball is positioned between the one or more projections and the pocket disposed on the head, as recited in claim 24. Accordingly, the Applicants respectfully submit that claim 24 is patentable and allowance of claim 24 is respectfully requested. Claims 25-27 depend from claim 24 and are allowable at least by dependency for at least the reasons provided above in connection with claim 24.

Conclusion:

In view of the foregoing reasons, it respectfully submitted that all objections and rejections of record have been overcome and that all pending claims, namely claims 1-27, are in condition for allowance. A Notice of Allowance is therefore earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 50-0476.

The Examiner is invited to call the undersigned attorney if he has any questions or comments.

Respectfully submitted,

ARTZ & ARTZ P.C.



John S. Artz
Reg. No. 36,431
Attorney for Applicant(s)

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28333 Telegraph Road, Ste. 250
Southfield, MI 48034
248-223-9500
248-223-9522 (fax)